Workforce Innovation and Opportunity Act

State and Local Board Governance and Responsibilities

Member Orientation (rev. 7/2021)



PRESENTATION PURPOSE AND OBJECTIVES

- Provide a deeper understanding of WIOA requirements concerning state and local governance matters
- 2. Review CEO and Board members' engagement
- 3. Learn how each role in the workforce development system interacts
- 4. Learn how to use roles and responsibilities as tools to achieve the board's vision and goals
- 5. Enhance the understanding of workforce boards' strategic role



General Background



The 'Workforce Innovation and Opportunity Act' (WIOA) is the primary federal law that provides resources to states to help job seekers access employment, education, training, and support services and to match employers with the skilled workers they need. WIOA was signed into law on July 22, 2014, replacing the Workforce Investment Act (WIA) of 1998, which itself replaced and revised a legacy of federal workforce development legislation dating back to the New Deal era. WIOA brings together the core federal programs of that focus on skill development and employment as well as associate and related programs. Programs include:

- Workforce Development Services
- Adult Education
- Labor Exchange Services ('Wagner Peyser')
- Vocational Rehabilitation
- Trade Adjustment Assistance
- TANF
- VETS
- SCSEP
- RESEA
- Job Corps





WIOA provides a governance and service delivery framework for state and local workforce development policies and activities.



The publicly-funded workforce development system is a national network of federal, state, regional, and local agencies and organizations that help all job seekers secure good jobs while providing businesses with the skilled workers they need to compete in the global economy.



The system provides strategic oversight and governance through state and local workforce development boards and delivers a range of employment, education, training, and related services and supports through the one-stop career center system.





Focus on Competition and Quality

Stronger mechanisms are put in place to ensure more competitive processes, including for the selection of one-stop operators, and to support continuous improvement through the evaluation of one-stop operator performance.

Service Value & Integration

Education, training, and supportive services for job seekers (and business services for businesses) are fully integrated and aligned. WIOA facilitates this through comprehensive career centers, coordinated planning, integrated data systems, customer-centered service delivery, more unified performance measures, and other administrative and financial integration.

Regionalism

WIOA pushes the workforce system to transition from hyper-localized planning and operations to a more regional approach, cooperating across county and traditional service area lines to address common needs.



Broader and Deeper Partnerships

WIOA places a strong emphasis on planning across agencies and multiple partner programs to ensure alignment in service delivery. Effective partnering is pivotal to maximize resources and to align services with career pathways and sector strategies.

More Strategic State & Local Boards

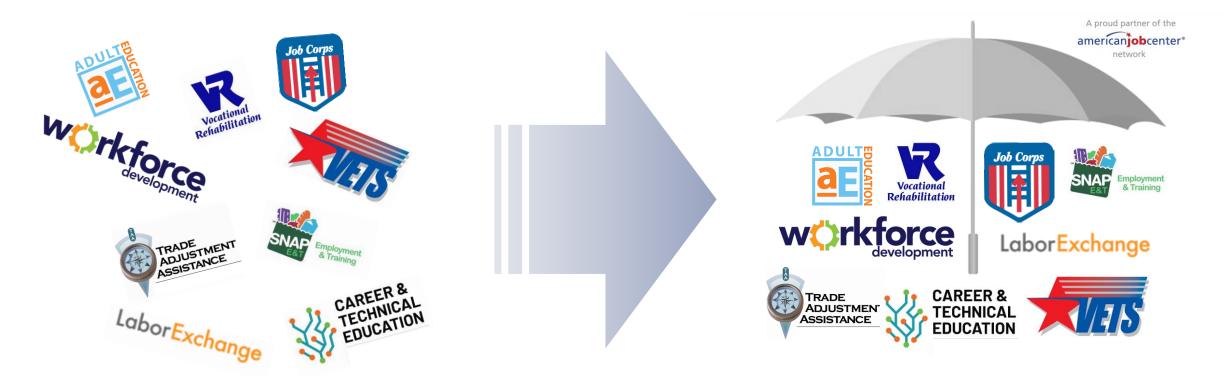
WDBs, at both state and local levels, are being asked to play a more strategic role in building regional talent pipelines, by establishing a vision and bringing in the right partners to coordinate.

Sector Strategies & Career Pathways

WIOA sets the foundation for workforce systems to: 1) convene key industries and identify labor "demand" (Sector Strategies); while 2) coordinating across service providers to establish a seamless set of education and training paths designed to help workers get access to careers with advancement opportunities (Career Pathways).



Among other priorities, WIOA endeavors to bring the diverse range of public programs focused on skills an employment under one programmatic (and physical) 'umbrella'.





American Job Centers (branded NetworkRI offices in Rhode Island) are the brickand-mortar and virtual locations where customers connect with these programs. WIOA envisions that the American Job Centers (branded NetworkRI offices in Rhode Island) provide integrated, seamless service delivery.



For example:

- Common intake system
- Joint outreach activities
- Joint referral process between partners,
- Crossed-trained staff organized and managed by function rather than program lines
- Sharing of data and data systems
- Shared case management and reporting systems, and
- Integrated performance management



One of the purposes of WIOA is:

"To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market." See: WIOA sec. 134(c)(3)(E) – Priority of Services



Individual customers include:

- Youth and young adults, ages 14-24, who are entering the workforce;
- · Adults transitioning from unemployment, dislocation, or public assistance to employment; and
- Current underemployed workers who are actively working with workforce system partners to increase their skills and obtain better paying jobs.



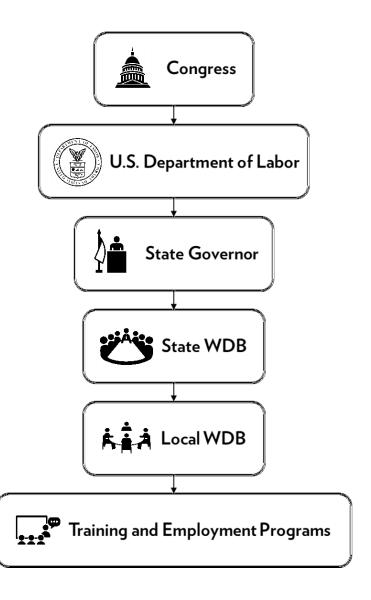
Business customers include critical industry-sector employers from:

- Advanced manufacturing;
- Construction:
- Health care;
- Technology; and
- Other high-growth sectors in the state.





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To help adults develop basic skills (e.g., reading, writing, math, English language acquisition)	To provide job search, education, and training activities for individuals seeking to gain or improve their employment prospects.	To offer universally accessible career services to job seekers and employers to help them meet their career needs.	To provide vocational rehabilitation services for individuals with disabilities	To provide employment services to TANF recipients to help families achieve self-sufficiency and reduce public dependency.	(ex. Job Corps, Veterans, Trade) -
 Non-English speaker, Individuals without a high school degree, Employers 	 Unemployed, Underemployed, Employers [Adults, Dislocated Workers, Youth] 	Unemployed,Underemployed,Employers	Individuals with disabilities	TANF recipients	 Veterans Youth Older Americans Etc.
Services and programs include: adult education and literacy services	Services and Programs include: Basic career services, Individualized career services such and Training services.	Services and Programs include: Labor exchange services, Recruitment and technical services for employers; Referral to other federal workforce development resources.	Services and Programs include: Counseling and Guidance, Rehabilitation and Assistive Technology Services, Job Training and Job Supports	Services and Programs include: Support services, Employment and career services, job referrals, training and education services.	10





Per the State WIOA Plan (2020-2024) Rhode Island's workforce network has four key goals:



GOAL 1: Implement a **demand-driven**, sector-based strategy to meet employer demand and establish a pipeline of skilled workers for future demand



GOAL 2: Advance a **career pathway** strategy to provide employment, education, training and support services for individuals, particularly those with barriers to employment (including TANF recipients), that will ensure an opportunity to develop their education and skills to prepare them for a job at various points in their life.



GOAL 3: Align policy and leverage existing government structures and resources so that government is "networked" and coordinated to achieve efficiencies and effectiveness throughout the workforce system.



GOAL 4: Use data to inform policy-making decisions, guide investments and evaluate performance to measure return on investments

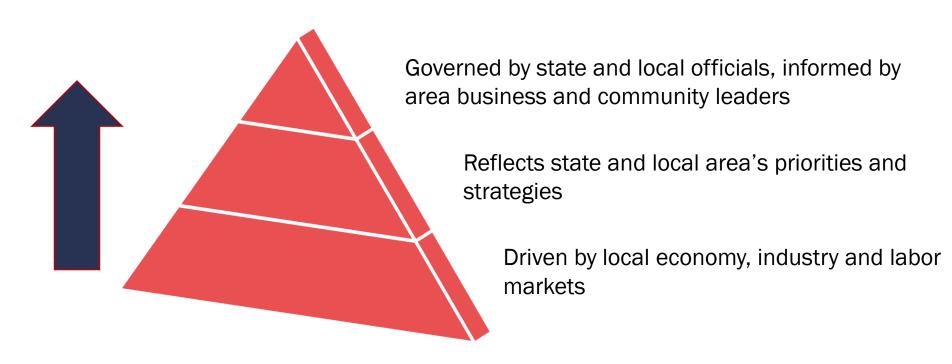


Governance

Roles and Responsibilities under WIOA



WIOA is intended as a bottom-up, not top-down, law.





WIOA governance roles covered in today's presentation:

- Governor
- State Workforce Development Board
- State Agencies
- Chief Elected Officials
- Local Workforce Development Board
- Board Staff
- Local Fiscal Agent
- One-stop Operator



The Governor must retain certain responsibilities and may delegate others. Some of the Governor's responsibilities include:

- Designating which State Agency will be responsible for each WIOA program
- Appointing State Workforce Development Board (SWDB) members
- Establishing the criteria appointment of Local Workforce Development Board (LWDB) members
- With the State Board, issuing Policy and Guidance
- Designating Planning Regions and Local Areas
- Certifying Local Workforce Development Boards Every 2 Years

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The **State Workforce Development Board** must assist the Governor with:

- Developing the 4-year State Plan
- Convening System Partners
- Aligning Workforce Programs
- Continuously Improving the System
- Developing and monitoring State Performance Measures
- Identifying and disseminating Best Practices
- With the Governor, issuing Policy and Guidance
- Improving Quality of Services and Activities
- Aligning Technology and Data Systems Across One-stop Programs
- Distributing WIOA Formula Funds
- Completing Annual Reports

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NOTE: Per RIGL 42-102, Rhode Island's State Workforce Board also oversees the state's Job Development Fund



The **Governor** and **State Workforce Development Board** have some shared responsibilities including:

- Reviewing statewide policies, programs, and recommendations for comprehensive and streamlined delivery of services
- Identifying barriers and means of removing them to better coordinate, align, and avoid duplication
- Providing assistance to local areas to develop and continuously improve the One-Stop delivery system
- Developing and updating comprehensive State performance and accountability measures to assess core program effectiveness.
- Developing other policies and promoting statewide objectives
- [Optional] Applying additional performance indicators to local areas

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State Agencies within the WIOA law have responsibilities including:

- Executing Activities Designated by Governor
- Serving as a State WDB Member
- Administering Designated Programs
- Entering into and meeting responsibilities of Memorandum of Understanding (with CEOs and LWDB)

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Chief Local Elected Officials have responsibilities including:

- Consulting with Governor, SWDB, and LWDB
- Appointing LWDB Members
- Developing a Formal Nomination and Appointment Process for LWDB Members
- Creating a CEO Agreement Outlining Roles and Responsibilities (if a Local Area includes one or more unit of general local government)
- Serving as Local Grant Recipient
- Designating a Local Fiscal Agent and/or Entity to Disburse Grant Funds
- Establishing and Maintaining One-stop System
- The CEO is <u>not</u> authorized to hire board staff; this is the responsibility of the board.
 - While a CEO is not prohibited and may in fact be involved in the hiring of board staff, it is the board that is responsible for hiring the staff

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The **Governor** and **Chief Local Elected Officials** have some shared responsibilities including:

- Identifying regions, including planning regions
- Reaching agreement on local negotiated performance levels
- [Optional] Approving the local WDB to be the one-stop operator
- [Optional] Selecting a local WDB as one-stop operator through sole source procurement
- [Optional] Determining whether or not a local WDB may act as a provider of career services

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Local Workforce Development Boards have responsibilities including:

- Developing the 4-year Local Plan (consistent with state plan)
- Developing the Regional Plan (if part of a planning region)
- Conducting Workforce Research and Regional Labor Market Analysis
- Convening Local Stakeholders and Leading Employer Engagement
- Implementing Career Pathways
- Overseeing the One-stop System in Local Area
- Developing a Local WDB Budget
- Selecting Providers and One-stop Operator
- Conducing One-stop Center and One-stop Delivery System Certification Every 3 years (and reviewing and updating Criteria every 2 Years)
- Conducting an Annual Assessment of One-stop Center Accessibility

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Chief Local Elected Officials and Local Workforce Development Boards have some shared responsibilities including:

- Identifying regions, including planning regions
- Carrying out rapid response activities
- Reaching agreement on local negotiated levels of performance based on negotiations process prior to the start of the program year, utilizing the objective statistical model
- Entering into good faith negotiations
- Approving other entities that carry out workforce development programs to serve as additional partners in the one-stop delivery system
- Agreeing to amounts and methods of calculating amounts each one-stop partner will contribute for one-stop infrastructure funding, ensure terms are including in the MOU, and sign the MOU

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FOR REVIEW

What is the role of Local CEOs in your board activities?

- Are there areas that are not working in the CEO involvement?
- Is there a clear line of communication between the CEOs involved in the LWBD?
- Do they understand their liability and responsibilities?





20 CFR § 679.400: ... WIOA sec. 107(f) grants Local WDBs authority to hire a director and other staff to assist in carrying out the functions of the Local WDB.

- The staff is not the board; it is not the staff's role to act as the board
- The board oversees the staff; the staff does not oversee the board

Board staff responsibilities include:

- Assist board with required WIOA functions
- Key functions and supportive activities may include:
 - Data and information collection, analysis, to help board make informed decisions
 - Engage the employer community
 - Collect and provide promising practices and continuous improvement strategies to board
 - Assist board in developing agenda that focus on strategic roles
 - Strategic vs. tactical leadership
 - Community vs. administrative activities in board meetings
 - Assist board in achieving strategic priorities

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FOR REVIEW

What are the roles of the board? What is the role of the staff to the board?

- Is staff taking on responsibilities that should remain with the Board?
- Is the division of responsibilities between staff and board something that is outlined and understood?
- Remember: Board is leader staff is supporter





If the Local CEOs Designate a **Fiscal Agent**, the Fiscal Agent has responsibilities including:

- Receiving Funds
- Maintaining Fiscal Integrity and Accountability
- Auditing Financial Findings Response
- Maintaining Accounting Records and Documentation
- Issuing Financial Reports
- Providing Fiscal Technical Assistance
- Procuring Contracts
- Conducting Financial Monitoring
- Complying with Independent Auditing

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One-Stop Operators Must:

Coordinate service delivery coordination of required partners and service providers

One-Stop Operators May:

Provide services

One-Stop Operators May Not:

- Convene system stakeholders to assist in the development of the local plan
- Be responsible for oversight of itself
- Manage or significantly participate in the competitive selection process for one-stop operators
- Select or terminate one-stop operators, career services, and youth providers
- Negotiate local performance accountability measures
- Develop and submit budget for activities of the LWDB in the local area

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In-Depth: Local Board Responsibilities

Roles and Responsibilities under WIOA



LOCAL BOARD RESPONSIBILITIES

WIOA envisions four (4) key roles for the Local Workforce Development Board.

The Strategist

Understand Trends, Set the Collective Vision



The Manager

Design and Manage Customer-Centered Service Delivery

The Convener

Bring Partners Together, Align Services and Vision

The Optimizer

Use Data to Drive Decisions, Continuous Improvement



LOCAL BOARD RESPONSIBILITIES - STRATEGIST

- The role of **Strategist** requires boards to plan and implement regional talent pipelines. Boards should:
 - Understand the demand in the local area (information attained through strong industry sector partnerships);
 - Respond to demand by developing career pathway systems;
 - Be aware of trends impacting the business community; and
 - Develop a vision that meet both current and future needs, as well as one that anticipates any reasonable challenges that may arise.
- Examples of how to effectively function in the **Strategist** role include:
 - ✓ Setting comprehensive, "big picture" agendas, driven by community success;
 - ✓ Positioning the board to become the regional backbone of the local workforce system; and
 - ✓ Convening regional organizations, partners, and other community resources to implement the collective community vision.



LOCAL BOARD RESPONSIBILITIES - CONVENER

- Under WIOA, WDBs convene, collaborate, and host community conversations that enable them to understand the complexity of regional markets and make decisions about how to align workforce resources. In that role, Boards should:
 - Build and nurture strong local partnerships with community organizations, including business, education, one-stop partners, and economic development associations.
 - Must recognize that they are not the only entity responsible for building a world-class workforce system.
 - Understand that their strength lies in the ability to set an appropriate vision, convene the right partners, and broker a comprehensive set of solutions for business and job seeker customers.
- Examples of how to engage partners as a Convener include:
 - ✓ Expanding the use of standing committees;
 - ✓ Establishing ad hoc committees to address issues and find solutions;
 - ✓ Convening groups to resolve workforce related issue that do not require the participation of board leadership; and
 - ✓ Using technology, including social media, to gather broad input from specific groups, or the public at large.



CONVENER, CNT'D

- ETA envisions LWDBs as high-performance entities that are recognized as the experts in workforce development; they engage a wide-range of stakeholders to increase the prosperity of businesses and communities.
- Examples of how to leverage the **Convener** role to engage business communities include:
 - ✓ Build sector-based, regional, and multi-disciplinary teams;
 - ✓ Engage the business community by providing integrated business services as a partner in sector strategies, apprenticeships, and work-based learning;
 - ✓ Help businesses invest in the workforce development system by understanding the relationship between business growth and the importance of accessing workforce development services to achieve that growth;
 - ✓ Work with businesses directly to gain information about industry needs and challenges;
 - ✓ Hold summits to discuss sector and talent pipeline issues to bring specific subsets of the business community together; and
 - ✓ Provide a venue to discuss common talent pipeline issues and proposed solutions.



LOCAL BOARD RESPONSIBILITIES - MANAGER

- In this role, the board makes sure the system including One-stop centers is responding to local and regional workforce needs by putting business and job seekers needs at the center of service delivery processes and customer flow.
- Examples of how to effectively operate in the Manager role include:
 - ✓ Conducting oversight of the entire workforce system, ensuring it is functioning efficiently and that funding is being managed responsibly;
 - ✓ Designing and operating a customer-centered system, by establishing both the strategic vision, as well as operational goals, for the local system;
 - ✓ Ensuring that staff listen to customer feedback and incorporate what they learn in delivering services;
 - ✓ Leveraging private sector board representation to strengthen the workforce system;
 - ✓ Use them to gather information on business needs, to help identify what businesses desire to aid in their growth, and develop additional services to respond to other feedback received;
 - ✓ Ensuring responsible stewardship of federal and non-federal funds.



LOCAL BOARD RESPONSIBILITIES - OPTIMIZER

- The role of Optimizer requires the boards to continuously monitor performance and adjust the system in anticipation of trends and how to respond to them.
- Examples of how to utilize **Optimizer** role include:
 - ✓ Collect data and information from a variety of sources;
 - ✓ Continuously analyze data gathered;
 - ✓ Use analysis to examine macroeconomic trends patterns that impact the workforce system;
 - ✓ Plan and make strategic decisions to address issues in rural areas (e.g., impact of transportation on the workforce, decisions related to economic expansion and training needs within the community or specific sectors);
 - ✓ Leverage public investments with commitments from industry, labor, public and community partners to implement new ideas and strategies.



Special Conditions and Requirements

Roles and Responsibilities under WIOA



ENTITIES FILLING MULTIPLES ROLES

- Local organizations often wear several hats (e.g., fiscal agent and board staff; one-stop operator and service provider)
- Where multiple functions are performed by a single organization, a written agreement with the local board and CEO is required.

20 CFR § 679.430 How do entities performing multiple functions in a local area demonstrate internal controls and prevent conflict of interest?

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, Local WDB staff, one-stop operator, and direct provider of services. Any organization selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy.



ENTITIES FILLING MULTIPLES ROLES

Key Resources:

- Conflict of Interest Regulations in Uniform Guidance (2 CFR 200.318-200.326; TEGL 15-16)
- Administrative Rules 683.200 (c) (5) (i)
- Written agreement with LWDB and CEO
 - Written agreement helps to clarify how the organization will carry out its responsibilities while demonstrating compliance with:
 - WIOA and corresponding regulations
 - Office of Management and Budget (OMB) circulars
 - > State conflict of interest policies

Possible Questions

- If you have entities serving multiple roles, what firewalls and internal controls have you put in place to protect against things like conflict of interest?
- What challenges, if any, were faced (or still facing)?



BOARD CONFLICTS OF INTEREST

- WIOA requires that State or Local board or subcommittee members may not vote on items where that individual or a family member has a financial interest or other conflict.
- Board members must disclose real or apparent conflicts of interest and disclose recusals of members
- Board members who have a relative participating in a procurement process may not participate – includes deliberations.
- These requirements also reflected in the Rhode Island State Code of Ethics (https://ethics.ri.gov/code/)

Boards should have recusal policies from votes *and deliberations* for those with financial or other interests. If recusal would cause a loss of quorum on an issue for that meeting, the issue should be tabled for discussion at a meeting that has more members present so that the recusal doesn't result in loss of quorum. If a loss of quorum is due to recusal is unavoidable, contact the RIDLT for assistance on how to move the matter forward. This situation should be very rare.



SUNSHINE POLICY AND OPEN MEETINGS

Per CFR 679.390 (the 'Sunshine Policy') Local Workforce Development Boards must conduct business in an Open Manner

- Information about LWDB activities and functions must be made available to the public, such as:
 - The Local Plan, or modification to the Local Plan
 - List and affiliation of Local WDB members
 - Selection of one-stop operators
 - Award of grants or contracts to eligible training providers of workforce investment activities
 - Minutes of formal meetings of the LWDB
 - LWDB by-laws, consistent with § 679.310(g)
- Local Boards must also comply with State of Rhode Island Open Meetings requirements
 (http://www.riag.ri.gov/documents/opengov/guidetoopengovernmentbookletfullpagetext.pdf)



Resources



FEDERAL REGULATORY REFERENCES

DOL-Only Rule, Part 679 Subpart A

20 CFR § 679.370 - What are the functions of the Local Workforce Development Board?

20 CFR § 679.380 - How does the Local Workforce Development Board satisfy the consumer choice requirements for career services and training services?

20 CFR § 679.390 - How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the "sunshine provision" of the Workforce Innovation and Opportunity Act?

20 CFR § 679.400 - Who are the staff to the Local Workforce Development Board and what is their role?

20 CFR § 679.410 - Under what conditions may a Local Workforce Development Board directly be a provider of career services, or training services, or act as a one-stop operator?

20 CFR § 679.420 - What are the functions of the local fiscal agent?

20 CFR § 679.430 - How do entities performing multiple functions in a local area demonstrate internal controls and prevent conflict of interest?



FEDERAL RESOURCES

WIOA Implementation Training Resources – State and Local Governance

https://ion.workforcegps.org/FocusAreas

New Strategic Boards Tool Kit Materials

https://ion.workforcegps.org/resources/2016/06/27/11/23/Strategic_Boards_Materials

Competitions for Adult Education Service Providers: Local Board/State Roles

 https://www.workforcegps.org/events/2016/09/15/11/41/WIOA_Wednesday-Competitions for Adult Education Service Providers- Local Board-State Roles

Local Workforce Development Boards Under WIOA: What You Need to Know

• https://ion.workforcegps.org/resources/2016/10/14/09/28/Local Board Functions



STATE RESOURCES

Rhode Island Statewide Biennial Employment and Training Plan

• https://gwb.ri.gov/wp-content/uploads/2020/12/GWB-Annual-Report-Biennial-Plan-FY2020-.pdf?7ed86f



State WOIA Plan 2020-2024

 https://gwb.ri.gov/wp-content/uploads/2020/09/2020-WIOA-Plan_Rhodelsland.pdf?7ed86f



State WIOA Policy Manual

 https://gwb.ri.gov/wp-content/uploads/2021/06/WIOA-Policy-Manual-June-2021.pdf?7ed86f





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